

March 10, 1964

MEMORANDUM

To: Messrs. Redlich and Craig

From: Joseph A. Ball and David W. Belin

Subject: Testimony before the Commission of Eyewitness Testimony--
Norman Redlich Memo of March 9

In reviewing the March 9 memorandum from Norman Redlich on the above subject, we believe the record should show the following:

1. In Ball-Belin report no. 1, on page 235, it was recommended that among the eyewitnesses to the rifle in the TSBD Building, only Messrs. Brennan and Jackson should be called before the Commission and the remaining witnesses should have their testimony recorded by deposition. We believe that the minimum number of witnesses should be called before the Commission in order to conserve the time of Commission members; since transcripts would be available from the depositions, there would be no need at this time to call what in substance was corroborating testimony ancillary to that of the main witnesses. If depositions produce important new facts, the Commission could always call such witnesses at a later date.

2. We take exception to the alleged facts and the implications of the second sentence in the March 9 Redlich memorandum whereby it is asserted that Robert Edwards and Ronald Fisher

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"of all the eyewitnesses they have been the least definite in their willingness to say that Oswald was the person who fired the rifle. Why should they not be questioned on April 6 at the same time as you question Brennan?" The implication is that they are not being called because they have been the least definite in their willingness to identify Oswald as the assassin.

To begin with, the fact is that eyewitnesses Euins, Worrell, and Rowland are being called pursuant to the request of Mr. Spector rather than that of Messrs. Ball and Belin, and the purpose of Mr. Spector is to call all eyewitnesses who saw a rifle. Spector is not concerned with who fired the rifle -- his sole concern is the place from which the shots were fired. Edwards and Fisher saw no rifle; they were not looking at the TSBD Building at the time the shots were fired.

Of the witnesses other than Brennan, Jackson saw only a rifle and could not possibly identify Oswald. Euins only says he saw a white man with no hat and a bald spot on his head and did not see the assassin's face and could not identify him. Worrell at the time of the shooting just saw a gun barrel and only purports to identify someone who looked like Oswald after he had run about 100 yards away from the building when he looked back and saw someone else running away from the building -- obviously, this is poor identification.

Rowland identified the person only as a white man with a light colored shirt on open at the neck and of slender build and dark hair but could not identify the person as Oswald. Thus, it could hardly be said that Evans and Jackson are "definite in their willingness to say that Oswald was the person who fired the rifle." And even though Worrell is willing to identify Oswald as the person he saw running away, as fact-finders we give little weight to his testimony in light of his limited basis for identification. Moreover, he saw no one firing the rifle -- all he saw was a rifle.

On the other hand, Robert Edwards in an affidavit said the man he saw in the window had on a light colored sport shirt with rather short hair and was around 26 years old, and Ronald Fisher in an affidavit stated that the man was light headed and had on an open neck shirt and was in his twenties with a clear complexion. When interviewed by officers of the Dallas Police Department, Fisher said pictures of Oswald looked like the man he saw but he declined definite identification. When later interviewed by the FBI, neither Fisher nor Edwards could identify the man from pictures. Edwards identified the person as having sandy hair and Fisher said the man had light hair. It is the identification of hair color which would not integrate with Oswald's appearance, although it might be explained by reflection of sunlight if this is the same person. Certainly we intend

in depositions to go into this area. (We might add that a collateral witness to the Tippit murder, William Arthur Smith, said that when he first saw Oswald on TV he did not think Oswald was the person who shot Tippit, for on TV it looked as if Oswald had light colored hair whereas the individual Smith observed had dark hair.)

We did state to Mr. Spector that if he wanted to call Euins, Worrell and Rowland to get all of the witnesses who claimed they saw a rifle, we had no objection, although we felt it not necessary since depositions would be available to Commission members.

(Spector agreed it was not necessary to call Couch who rode in the same car with Jackson and who corroborates Jackson's exclamation about a gun and who also says he saw a gun being withdrawn.) Just as we had no objection to Spector's request to call Euins, Worrell and Rowland, we similarly have no objection to calling Fisher and Edwards, although again we feel that deposition transcripts would be adequate and that at this time it is unnecessary to have them as Commission witnesses. If on deposition these two witnesses testify to facts which warrant additional interrogation in front of the Commission, they can and should be called at a later date.